IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 437 OF 2007.

The State of Maharashtra. ... Appellant.
Versus.
Husainmiya Mohamad Khan
(since deceased through LRs.)
Ismail H.Khan and others. ... Respondents.

Shri S.N.Gawade for the Appellant.

Shri S.S.Deshmukh i/by Shri S.M.Shettigar for the Respondents.

CORAM : ABHAY S.OKA, J.

DATED : 8th March, 2007.

P.C.:

1. The learned Advocates appearing for the parties agree that the Appeal shall be disposed of in terms of the judgment and order dated 7th August 2006 in First Appeal No.1764 of 2006. The Advocates appearing for the parties state that no separate reasons be assigned. Accordingly, the Appeal is disposed of by the following order:

i) The impugned Judgment and award passed in Land Acquisition Reference No.188 of 1989 is modified.

ii) The market value of the acquired land fixed by the Reference Court at Rs.15/- per sq.meter is confirmed. However, a deduction of 15% shall be made from the

market value on account of development charges. Thus, the market value shall be at the rate of Rs.12.75 per sq.meter.

iii) The Respondents will be entitled to the benefits under section 23(1)(A), section 23(2) and section 28 of the Land Acquisition Act, 1894. The Respondent shall be also entitled to receive from the Appellant the proportionate costs of the Reference and this Appeal.

iv) The Reference Court will calculate the amount payable to the Respondents within a period of four months from the date of receipt of writ of this order.

v) There will be no order as to costs.

Judge.